

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 19-cr-104 (JNE/TNL)

Plaintiff,

ORDER

v.

Matthew Joseph Hines (1), Jake Daniel
Scrabeck (2), Mason Paul Stuhldreher (3) and
Jaime Alejandro Aguirre-Rea (4),

Defendants.

This matter comes before the Court on Defendant Matthew Joseph Hines's Defense Motion to Continue Motion Filing Deadline and Motion Hearing Date (ECF No. 57) and Defense Motion to Exclude Time Under Speedy Trial Act (ECF No. 58). Hines states that he recently retained new counsel in this matter, who requires additional time to review discovery obtained from the government and to prepare and file motions. He moves to extend the motion filing deadline for a period of 30 days and to continue the motion hearing date. Hines has also filed a Statement of Reasons in Support of Motion to Extend Time Under the Speedy Trial Act. (ECF No. 59). The other Defendants in this matter have filed letters supporting Hines's motions. (ECF Nos. 60-62). The Government does not object to the requested continuance.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting such a continuance outweigh the best interests of the public and Hines in a speedy trial and such continuance is necessary to provide Hines and his newly-retained counsel

reasonable time necessary for effective preparation and to make efficient use of the parties' resources. **The exclusion of time and extension of all dates as ordered below shall apply to all Defendants in this matter.**

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant Matthew Joseph Hines's Defense Motion to Continue Motion Filing Deadline and Motion Hearing Date (ECF No. 57) and Defense Motion to Exclude Time Under Speedy Trial Act (ECF No. 58) are **GRANTED**.
2. The period of time from **June 18, 2019 through August 27, 2019**, shall be excluded from Speedy Trial Act computations in this case. *See United States v. Mallett*, 751 F.3d 907, 911 (8th Cir. 2014) ("Exclusions of time attributable to one defendant apply to all codefendants." (quotation omitted)); *United States v. Arrellano-Garcia*, 471 F.3d 897, 900 (8th Cir. 2006) (same).
3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **July 22, 2019**.¹ D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of U.S. Magistrate Judge Tony N. Leung.²
4. **Counsel shall electronically file a letter on or before July 22, 2019, if no motions will be filed and there is no need for hearing.**

¹ "Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute." D. Minn. LR 12.1(b).

² U.S. Mail or hand-deliver to 9W U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota, 55415.

5. All responses to motions shall be filed by **August 7, 2019**. D. Minn. LR 12.1(c)(2).
6. Any Notice of Intent to Call Witnesses shall be filed by **August 7, 2019**. D. Minn. LR. 12.1(c)(3)(A).
7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **August 12, 2019**. D. Minn. LR 12.1(c)(3)(B).
8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:
 - a. The government makes timely disclosures and a Defendant pleads particularized matters for which an evidentiary hearing is necessary; or
 - b. Oral argument is requested by either party in its motion, objection or response pleadings.
9. If required, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **August 27, 2019**, at **1:00 p.m.** in **Courtroom 9W**, U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. D. Minn. LR 12.1(d).

10. TRIAL:

- a. **The trial date, and other related dates shall be scheduled at a later date. Counsel shall contact the Courtroom Deputy for District Judge Joan N. Ericksen to confirm the new trial date and other related dates.**

Dated: June 21, 2019

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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